



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Grant W. Heinicke

SERIAL NUMBER: 09/606,629

FILED: June 29, 2000

FOR: CONTROLLED ABSORPTION  
DILTIAZEN PHARMACEUTICAL  
FORMULATION

)  
) Group Art Unit: 1617  
)  
) Examiner: Webman, E.J.

TERMINAL DISCLAIMER TO OBVIATE A  
DOUBLE PATENTING REJECTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Petitioner, Purepac Pharmaceutical Company is the owner of one hundred percent interest in the instant application; and Petitioner certifies that it is the assignee of the entire right, title and interest in the instant patent application by virtue of an assignment from the inventor of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_ on \_\_\_\_\_. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of U.S. Patent 6,214,385. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for

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and during such period that it and U.S. Patent 6,214,385 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of U.S. Patent 6,214,385 in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

PUREPAC PHARMACEUTICAL  
COMPANY  
(Assignee)

  
BY: John LaRocca

TITLE: Vice President, Law

November 19, 2004  
DATE